

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACOB DAVID ESTEVES,

Debtor.

FORGEN, LLC,  
(and its Successors and Assignees)

Garnishee.

Case No. 2:22-MC-00280 MCE DB

**FINAL ORDER OF CONTINUING  
GARNISHMENT**

On September 19, 2022, the United States filed an Application for Writ of Continuing Garnishment against twenty-five percent (25%) of Jacob David Esteves' ("Debtor") non-exempt disposable earnings, and it requested to receive the statutorily authorized litigation surcharge. ECF 1. The Clerk of the Court issued the Writ and Clerk's Notice to Debtor. ECF 3. The United States served the Writ and related documents on Forgen, LLC ("Garnishee") and Debtor. ECF 4 and 5.

On October 4, 2022, Garnishee served its Acknowledgment of Service and Answer of Garnishee on Debtor and the United States ("Answer"). ECF 7. In its Answer, Garnishee stated that Jacob David

1 Esteves is an employee of Garnishee and pays earnings to Debtor. ECF 7. Debtor did not file a claim of  
2 exemption to the proposed garnishment or request a hearing, did not object to Garnishee's Answer, and  
3 did not otherwise object to the United States' garnishment action.

4 Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302, on May 23, 2023, the Magistrate Judge  
5 issued findings and recommendations that recommended that the United States' request for final order of  
6 continuing garnishment be granted and ordered that any objections were due within 14 days after  
7 service. ECF 10. The United States served the findings and recommendations on Debtor's attorney,  
8 Tim Zindel on May 24, 2023. ECF 11. Debtor did not object and the time to do so has passed.

9 In accordance with 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of the  
10 case. Having carefully reviewed the file, the Court concludes that the Magistrate Judge's findings and  
11 recommendations are supported by the record and by proper analysis.

12 Accordingly, IT IS HEREBY ORDERED THAT:

13 1. The Findings and Recommendations for Final Order of Continuing Garnishment (ECF  
14 10) are ADOPTED IN FULL;

15 2. Forgen, LLC is directed to pay the Clerk of the United States District Court twenty-five  
16 percent (25%) of Jacob David Esteves' ongoing and non-exempt disposable earnings, including, but not  
17 limited to wages, earnings, commissions, and bonuses;

18 3. Forgen LLC is directed to pay the Clerk of the United States District Court the amount of  
19 non-exempt disposable earnings, including, but not limited to wages, earnings, commissions, and  
20 bonuses, already withheld as a result of the writ, within fifteen (15) days of the filing of this Final Order  
21 of Garnishment. Payment shall be made in the form of a check, money order, or company draft, made  
22 payable to the "Clerk of the Court" and delivered to:

23 Office of the Clerk  
24 501 I St., Rm. 4-200  
Sacramento, CA 95814

25 The criminal docket number (2:06-cr-00200 MCE) shall be stated on the payment instrument;

26 4. The United States shall be entitled to recover a \$40,672.15 litigation surcharge after  
27 satisfaction of the judgment amount owed by Jacob David Esteves;  
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1           5.       The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the  
2 case, if necessary; and

3           6.       The garnishment shall terminate when (1) the United States seeks to terminate the writ or  
4 (2) when the judgment amount and litigation surcharge are fully satisfied.

5           IT IS SO ORDERED.

6 Dated: June 20, 2023

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8 MORRISON C. ENGLAND, JR.  
9 SENIOR UNITED STATES DISTRICT JUDGE  
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